

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRYAN E. RANSOM,

Plaintiff,

v.

M. JOHNSON, et al.,

Defendants.

CASE NO. 1:05-cv-00086-OWW-GSA PC

AMENDED DISCOVERY AND
SCHEDULING ORDER

Unenumerated Rule 12(b) Motion Deadline - 06/16/08
Deadline to Amend Pleadings - 08/15/08
Discovery Cut-Off Date - 10/15/08
Dispositive Motion Deadline - 12/15/08

Defendants Adams, Alameida, Arroyo, Atkinson, Bennett, Burruel, Carey, Case, Cheema, DeGroot, Diaz, Diggs, Duran, Flores, Hulsey, Johnson, Jones, Lankford, L'Etoile, Mayo, McDowell, Meske, Pear, Pina, Pliler, Rosario, Santos, Scribner, Stockman, Tennison, and Vance have answered the amended complaint filed on August 30, 2005 via three separately filed answers.¹ In light of the recent answers filed by Jones, Diggs, and E'Toile, the following amended discovery and scheduling order issues, applicable to all Defendants listed in the previous sentence. Pursuant to Federal Rules of Civil Procedure 1, 16, and 26-36, discovery shall proceed as follows:

1. Discovery requests shall be served by the parties pursuant to Federal Rule of Civil Procedure 5 and Local Rule 5-135, and shall only be filed when required by Local Rules 33-250(c), 34-250(c), and 36-250(c);

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¹ Defendant Cabral filed a motion to dismiss, which the Court has recommended be granted, and did not join in the answer. This order does not apply to Defendant Cabral, and discovery remains closed as to Defendant Cabral. (Doc. 6, First Info. Order, ¶7.)

1 2. Responses to written discovery requests shall be due forty-five (45) days after the request
2 is first served;

3 3. To ensure that the responding party has forty-five (45) days after the request is first served
4 to respond, discovery requests must be served at least forty-five (45) days before the discovery
5 deadline;

6 4. Pursuant to Federal Rule of Civil Procedure 30(a), defendants may depose plaintiff and
7 any other witness confined in a prison upon condition that, at least fourteen (14) days before such
8 a deposition, defendants serve all parties with the notice required by Federal Rule of Civil Procedure
9 30(b)(1); and

10 5. If disputes arise about the parties' obligations to respond to requests for discovery, the
11 parties shall comply with all pertinent rules including Rules 5, 7, 11, 26, and 37 of the Federal Rules
12 of Civil Procedure and Rules 11-110, 7-130, 7-131, 5-133, 5-135, 6-136, 43-142, and 78-230(m) of
13 the Local Rules of Practice for the United States District Court, Eastern District of California.
14 Unless otherwise ordered, Local Rule 37-251 shall not apply, and the requirement set forth in Federal
15 Rules of Civil Procedure 26 and 37 that a party seeking relief from the court certify that he or she
16 has in good faith conferred or attempted to confer with the other party or person in an effort to
17 resolve the dispute prior to seeking court action shall not apply. Voluntary compliance with this
18 provision of Rules 26 and 37 is encouraged, however. A discovery motion that does not comply
19 with all applicable rules will be stricken and may result in imposition of sanctions.

20 Further:

21 6. The parties are advised that the deadline for filing motions to dismiss for failure to exhaust
22 the administrative remedies pursuant to the unenumerated portion of Federal Rule of Civil Procedure
23 12(b) shall be June 16, 2008;

24 7. The deadline for amending the pleadings shall be August 15, 2008;

25 8. The parties are advised that the deadline for the completion of all discovery, including
26 filing motions to compel, shall be October 15, 2008;

1 9. The deadline for filing pre-trial dispositive motions shall be December 15, 2008;²

2 10. **A request for an extension of a deadline set in this order must be filed on or before**
3 **the expiration of the deadline in question; and**

4 11. **Extensions of time will only be granted on a showing of good cause.**

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7 IT IS SO ORDERED.

8 **Dated: April 14, 2008**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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² The pre-trial dispositive motion deadline does not apply to the filing of unenumerated Rule 12(b) motions
28 to dismiss for failure to exhaust. Unenumerated Rule 12(b) motions for failure to exhaust must be filed on or before
the deadline separately set forth in this order.